

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 135

SENATE BILL 1344

AN ACT

AMENDING SECTION 41-2402, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA
CRIMINAL JUSTICE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2402, Arizona Revised Statutes, is amended to
3 read:

4 41-2402. Drug and gang enforcement account

5 A. A drug and gang enforcement account is established within the
6 criminal justice enhancement fund consisting of monies appropriated to the
7 account by the legislature and any other monies available from other sources,
8 public or private, to be used for the purpose of enhancing efforts to deter,
9 investigate, prosecute, adjudicate and punish drug offenders and members of
10 criminal street gangs as defined in section ~~13-2301~~ 13-105.

11 B. The ARIZONA criminal justice commission shall distribute monies
12 from the drug and gang enforcement account in the following manner:

13 1. Up to ~~thirty~~ FIFTY per cent to fund ~~programs and~~ LAW ENFORCEMENT
14 agencies approved by the commission to enhance BOTH:

15 (a) The investigation of drug and gang offenses and related criminal
16 activity.

17 (b) DRUG AND GANG EDUCATION AND PREVENTION PROGRAMS.

18 2. Up to ~~thirty~~ FIFTY per cent to fund programs and agencies approved
19 by the commission to enhance the state, ~~and~~ county, CITY OR TOWN prosecution
20 of drug and gang offenses and related criminal activity.

21 ~~3. Up to ten per cent to fund programs and agencies approved by the~~
22 ~~commission to enhance the city or town prosecution of drug and gang offenses~~
23 ~~and related criminal activity.~~

24 ~~4.~~ 3. Up to thirty per cent to fund programs and agencies approved by
25 the commission for the purpose of enhancing the ability of the courts to
26 process drug and gang offenses and related criminal cases, either through the
27 appointment of judges pro tempore or the establishment of additional
28 divisions of the courts only for the purposes of this section, enhancing
29 defense and probation services, including treatment, and funding the drug
30 testing program.

31 ~~5.~~ 4. Up to thirty per cent to fund programs by county sheriffs AND
32 THE STATE DEPARTMENT OF CORRECTIONS, as approved by the commission, to
33 enhance DRUG OFFENDER TREATMENT PROGRAMS AND the jail operations and
34 facilities available to detain and incarcerate drug offenders and members of
35 criminal street gangs as defined in section ~~13-2301~~ 13-105.

36 5. UP TO THIRTY PER CENT TO FUND PROGRAMS AND AGENCIES, AS APPROVED BY
37 THE COMMISSION, TO ENHANCE THE INTEGRATION OF CRIMINAL JUSTICE RECORDS
38 RELATING TO DRUG AND GANG OFFENDERS AND THEIR RELATED CRIMINAL ACTIVITY.

39 C. Before any monies are expended from the account, the criminal
40 justice commission shall submit to the joint legislative budget committee a
41 plan of proposed expenditures from the account and the anticipated fiscal and
42 operational impact of those expenditures on all state and local agencies.

43 D. Any state agency ~~which~~ THAT receives monies allocated from this
44 account shall not include such monies as part of its continuation budget base
45 for the purpose of requesting appropriations for the following fiscal year.

1 E. All the monies allocated from this account shall be dedicated
2 solely to the purpose of enhancing efforts to deter, investigate, prosecute,
3 adjudicate and punish drug and gang and related criminal offenders, except
4 those monies allocated pursuant to subsection H of this section.

5 F. Notwithstanding the limitations prescribed in subsection B of this
6 section, any federal monies or matching state monies in the drug and gang
7 enforcement account may only be allocated by the commission pursuant to a
8 plan approved by the federal government.

9 G. The auditor general shall annually perform a full and complete
10 audit of the fund or the commission shall annually contract with an
11 accounting firm to perform the audit and deliver a report to the governor and
12 the legislature. The audit shall be charged to the drug and gang enforcement
13 account.

14 H. A resource center fund is established consisting of monies received
15 pursuant to section 12-284.03, SUBSECTION A, paragraph 1 and all monies
16 received from public or private gifts, grants or other sources, excluding
17 federal monies and monies to be passed through to other entities, to be used
18 solely for the purpose of funding the Arizona drug and gang prevention
19 resource center. Monies in the fund are subject to legislative
20 appropriation. Any monies unexpended or unencumbered on June 30 of each year
21 shall not be subsequently expended or encumbered unless reappropriated. No
22 monies in the drug and gang enforcement account except those received
23 pursuant to this subsection shall be used to fund the Arizona drug and gang
24 prevention resource center. Monies that are received by the center pursuant
25 to this subsection are subject to the reporting requirements prescribed in
26 section 41-617.01.

APPROVED BY THE GOVERNOR APRIL 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.